

**UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF** Oregon

**Form 1. Notice of Appeal from a Judgment or Order of a  
United States District Court**

U.S. District Court case number: 6:22-cv-00113-MK

Notice is hereby given that the appellant(s) listed below hereby appeal(s) to the United States Court of Appeals for the Ninth Circuit.

Date case was first filed in U.S. District Court: 01/21/2022

Date of judgment or order you are appealing: 05/02/2023

Docket entry number of judgment or order you are appealing: 39 (and 32)

Fee paid for appeal? (*appeal fees are paid at the U.S. District Court*)

☒ Yes   ☐ No   ☐ IFP was granted by U.S. District Court

**List all Appellants** (*List each party filing the appeal. Do not use "et al." or other abbreviations.*)

State Farm Mutual Automobile Insurance Company

Is this a cross-appeal?   ☐ Yes   ☒ No

If yes, what is the first appeal case number?

Was there a previous appeal in this case?   ☐ Yes   ☒ No

If yes, what is the prior appeal case number?

Your mailing address (if pro se):

City:  State:  Zip Code:

Prisoner Inmate or A Number (if applicable):

**Signature** s/ Ralph C. Spooner

**Date** May 24, 2023

*Complete and file with the attached representation statement in the U.S. District Court*

*Feedback or questions about this form? Email us at [forms@ca9.uscourts.gov](mailto:forms@ca9.uscourts.gov)*

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

**Form 6. Representation Statement**

*Instructions for this form: <http://www.ca9.uscourts.gov/forms/form06instructions.pdf>*

**Appellant(s)** (List *each* party filing the appeal, do not use “et al.” or other abbreviations.)

Name(s) of party/parties:

State Farm Mutual Automobile Insurance Company

Name(s) of counsel (if any):

Ralph C. Spooner  
David E. Smith

Address: 530 Center Street NE, Ste 712, Salem, Oregon 97301

Telephone number(s): 503-378-7777

Email(s): rspooner@smapc.com; dsmith@smapc.com

Is counsel registered for Electronic Filing in the 9th Circuit? ☒ Yes ☐ No

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**Appellee(s)** (List only the names of parties and counsel who will oppose you on appeal. List separately represented parties separately.)

Name(s) of party/parties:

Melody J. Spear

Name(s) of counsel (if any):

Travis Eiva  
Jeffrey Thayer

Address: 1165 Pearl Street, Eugene, Oregon 97401

Telephone number(s): 541-636-7480

Email(s): travis@eivalaw.com; jthayer@gattilaw.com

*To list additional parties and/or counsel, use next page.*

*Feedback or questions about this form? Email us at [forms@ca9.uscourts.gov](mailto:forms@ca9.uscourts.gov)*

Continued list of parties and counsel: *(attach additional pages as necessary)*

**Appellants**

Name(s) of party/parties:

n/a

Name(s) of counsel (if any):

n/a

Address:

Telephone number(s):

Email(s):

Is counsel registered for Electronic Filing in the 9th Circuit? ☐ Yes ☐ No

**Appellees**

Name(s) of party/parties:

n/a

Name(s) of counsel (if any):

n/a

Address:

Telephone number(s):

Email(s):

Name(s) of party/parties:

n/a

Name(s) of counsel (if any):

n/a

Address:

Telephone number(s):

Email(s):

*Feedback or questions about this form? Email us at [forms@ca9.uscourts.gov](mailto:forms@ca9.uscourts.gov)*

**CERTIFICATE OF SERVICE**

I hereby certify that, on the date set forth below, I served a copy of the foregoing

**NOTICE OF APPEAL and REPRESENTATION STATEMENT on:**

Jeffrey Paul Thayer, OSB No. 983592  
The Gatti Law Firm  
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Salem, OR 97302  
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E-mail address: [jthayer@gattilaw.com](mailto:jthayer@gattilaw.com)  
Attorney for *Plaintiff*

Travis Eiva, OSB No. 052440  
Eiva Law  
1165 Pearl Street  
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Fax: 458-205-8658  
E-mail address: [travis@eivalaw.com](mailto:travis@eivalaw.com)  
Of Attorneys for *Plaintiff*

- ☒ by emailing a copy to said attorney at the above email address with consent of counsel;
- ☐ by mailing a copy in a sealed, first-class, postage prepaid envelope, addressed to said attorneys at the above address and deposited in the U.S. Mail;
- ☒ by serving correct copies thereof, certified by me as such, to attorneys via the United States District Court for the District of Oregon's CM/ECF filing system.

DATED this 24<sup>th</sup> day of May, 2023.

s/ Ralph C. Spooner  
RALPH C. SPOONER, OSB# 732880  
Attorney for Defendant  
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